

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE: §  
BRIAN NOEL SABOWITZ AND § CASE NO. 10-54466-KING  
CATHY ELIZABETH DUNN BLACKWELL, §  
Debtors § CHAPTER 7

**RESPONSE TO MOTION TO SELL STOCK IN HORIZON BANCORP, INC.**  
**TO JM PARTNERS LLC FREE AND CLEAR OF LIENS**

TO THE HONORABLE RONALD B. KING, UNITED STATES CHIEF BANKRUPTCY JUDGE:

1.

John Patrick Lowe, Trustee, files this Response to the Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens.

2.

After the Trustee filed his Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens to sell the estates' stock in Horizon Bancorp Inc. for the amount of \$1,000.00 to JM Partners LLC, the Trustee received by email a higher offer for the stock. The Trustee's motion does not contain negative notice language and will thus be set for hearing in the ordinary course of business.

3.

The Trustee suspects that, because of the small asset being sold, bidders will not want to make personal appearances in the Court in San Antonio. The Trustee also suspects that, if at least two bidders will bid on the stock, telephonic appearances will not be possible since the Court cannot accommodate more than one caller into a live Court hearing. While the Court often handles telephonic appearances with multiple parties on one phone call, that would be awkward if all of the parties on the call are bidding against each other. That leaves sealed bids. Unless the Trustee receives objections from any bidder, the Trustee will act as if the Trustee will receive at least one sealed bid, to be opened

by the Trustee in open court on the day the sale motion is heard by the Court. Any and all bids will be marked, offered and admitted into evidence and retained by the Court as court records until discarded in the normal course of business. If sealed bids are submitted to the Trustee, he should receive them at least 24 hours before the date of the hearing. The Trustee will notify all parties on the Trustee's service list and any party expressing an interest in bidding, of the date, time and place of the hearing.

Dated: September 12, 2011.

Respectfully submitted,

  
John Patrick Lowe, Trustee  
State Bar No. 12623700  
318 East Nopal  
Uvalde, Texas 78801  
(830) 278-4471  
(830) 278-6347 (fax)  
Email: johnplowe@sbcglobal.net

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Response to Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens, has been mailed to the Debtors, Debtors' attorney, and the attached Service List, by first class mail, postage prepaid, on this the 22nd day of September 2011.

  
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Patrick Lowe

SERVICE LIST

Brian Noel Sabowitz  
Cathy Elizabeth Dunn Blackwell  
1622 Foxberry  
San Antonio, TX 78248

William R. Davis, Jr.  
Langley & Banack, Inc.  
745 E. Mulberry, Suite 900  
San Antonio, TX 78212

Judy A. Robbins  
US Trustee's Office  
615 E Houston, Ste 533  
PO Box 1539  
San Antonio, TX 78295-1539

First Tennessee Bank National Association  
c/o Joshua R. Holden  
P.O. Box 2428  
Knoxville, TN 37901-2428

Fayette A/C & Sheetmetal  
1971 Industrial Blvd  
Lake Havasu City, AZ 86403-7605

Today's News-Herald  
River City Newspapers, LLC  
2225 W. Acoma Blvd  
Lake Havasu City, AZ 86403-2907

Horizon Community Bank  
223 N. Lake Havasu Ave  
Lake Havasu City, AZ 86403

JPMorgan Chase Bank, N.A.  
c/o James Ball  
Poli & Ball, PLC  
2999 N. 44th St #500  
Phoenix, AZ 85018-7246

American Express Bank FSB  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

PYOD LLC its successors and assigns as  
assignee Citibank, NA  
c/o Resurgent Capital Services  
PO Box 19008  
Greenville, SC 29602-9008

Key Equipment Finance  
1000 S. McCaslin Blvd  
Superior, CO 80027-9437

Lake Havasu City  
2330 McCulloch Blvd N  
Lake Havasu City, AZ 86403-5950

BCMD Holding Company, LLC  
1481 Mojave Dr  
Lake Havasu City, AZ 86406-8923

Smith-Tryon Family Health, Inc.  
c/o Rakhee V. Patel  
Pronske & Patel, P.C.  
2200 Ross Ave Ste 5350  
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Dr. Donovan Schmidt  
c/o Rakhee V. Patel  
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Los Alamos National Bank  
c/o Heather Boone  
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